



VI-028

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/733,042  
Applicant : Leavitt et al.  
Filed : December 11, 2003  
Title : Avian Transgenesis Using A Chicken Ovalbumin Gene Region

TC/A.U. : 1632  
Examiner : Michael C. Wilson

Docket No. : AVI-028

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Date

Signature

Name

Apr. 13 2008  
Kyle Yesland  
Mail Stop: Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DISCLOSURE OF EUROPEAN SEARCH REPORT**

Dear Sir:

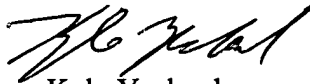
To assist the Examiner in evaluating some of the recently cited art, the Applicants disclose and attach hereto copies of the Supplementary European search report relative to the European equivalent (Application No. 03 81 6706). Copies of the cited references, with the exception of issued U.S. patents, are included herewith.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all of the relevant information, and no inference

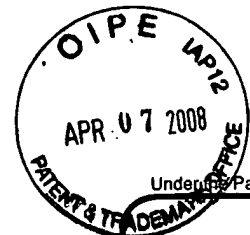
should be made that the information and references cited are, or are considered to be, material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

With respect to the surcharge required to be filed with the information disclosure statement, under 37 CFR 1.17(p) applicant estimates that a fee in the amount of \$180 is due. Please charge any required fees or credit any overpayment to deposit account number 501729.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kyle Yesland', is written over the printed name.

Kyle Yesland  
Attorney for Applicant  
Reg. No. 45,526  
111 Riverbend Road  
Athens, Georgia 30605  
Telephone: 706-227-1170, ext. 233



PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 10/733,042         |
| Filing Date          | December 11, 2003  |
| First Named Inventor | Markley C. Leavitt |
| Examiner Name        | Michael C. Wilson  |
| Art Unit             | 1632               |
| Attorney Docket No.  | AVI-028            |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 501729 Deposit Account Name: AviGenics, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 310         | 155                   | 510         | 255                   | 210              | 105                   |                |
| Design           | 210         | 105                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 210         | 105                   | 310         | 155                   | 160              | 80                    |                |
| Reissue          | 310         | 155                   | 510         | 255                   | 620              | 310                   |                |
| Provisional      | 210         | 105                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description  | Fee (\$)            | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50                  | 25                    |
| Each independent claim over 3 (including Reissues)                     | 210                 | 105                   |
| Multiple dependent claims  | 370                 | 185                   |
| <b>Total Claims</b>  | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| - 20 or HP =   | x                   | =                     |
| HP = highest number of total claims paid for, if greater than 20.      |                     |                       |
| <b>Indep. Claims</b>   | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| - 3 or HP =  | x                   | =                     |
| HP = highest number of independent claims paid for, if greater than 3. |                     |                       |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|              |              |  |          |               |
|--------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        |               |

**4. OTHER FEES(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Supplemental Information Disclosure Statement

180.00

**SUBMITTED BY**

|                   |              |   |                                |
|-------------------|--------------|---|--------------------------------|
| Signature         |              | Registration No. (Attorney/Agent) 45526 | Telephone 706-227-1170 ext 233 |
| Name (Print/Type) | Kyle Yesland |   | Date                           |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (04-07)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 6

Application Number 10/733,042

Filing Date December 11, 2003

First Named Inventor Markley C. Leavitt

Art Unit 1632

Examiner Name Michael C. Wilson

Attorney Docket Number AVI-028

**ENCLOSURES (Check all that apply)**

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer  | 1. Supplementary European Search Report - 2 pages                                       |
| <input checked="" type="checkbox"/> Information Disclosure Statement      | <input type="checkbox"/> Request for Refund   | 2. Return Postcard  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____  |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <b>Remarks</b><br>Total number of pages in this submission (6) does not include the pages of the enclosed references.<br>References: 2 PCT applications and 2 non patent literature documents |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                 |          |       |
|--------------|-----------------|----------|-------|
| Firm Name    | AviGenics, Inc. |          |       |
| Signature    |                 |          |       |
| Printed name | Kyle Yesland    |          |       |
| Date         | April 3, 2008   | Reg. No. | 45526 |

**CERTIFICATE OF TRANSMISSION/MAILING**

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|                       |              |      |  |
|-----------------------|--------------|------|--|
| Signature             |              |      |  |
| Typed or printed name | Kyle Yesland | Date |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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